

108TH CONGRESS
1ST SESSION

H. R. 2010

To protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2003

Mr. FALEOMAVAEGA introduced the following bill; which was referred to the Committee on Resources

A BILL

To protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) It is in the national interest that qualifying
6 active-duty service members be allowed to vote in
7 Federal elections.

1 (2) American Samoa law requiring uniformed
2 and overseas voters to register to vote in person is
3 contrary to the Uniformed and Overseas Citizens
4 Absentee Voting Act (42 U.S.C. 1973ff et seq.).

5 (3) Since 1980, when the first election for the
6 Congressional Delegate from American Samoa was
7 held, general elections have been held in the first
8 week of November in even-numbered years and run-
9 off elections have been held 2 weeks later.

10 (4) This practice of holding a run-off election 2
11 weeks after a general election is outdated, outmoded,
12 and deprives active-duty members of the U.S. Armed
13 Forces of the opportunity to participate in the Fed-
14 eral election process in American Samoa.

15 (5) Prior to and since September 11, 2001, it
16 remains impossible for absentee ballots to be pre-
17 pared and returned during a 2-week period due to
18 limited air service, mail delays, and other consider-
19 ations. As a result, active-duty members continue to
20 be denied the right to vote in American Samoa.

21 (6) However, 49 states elect their Representa-
22 tives to the United States House of Representatives
23 by plurality and it is in the national interest and in
24 the interest of active-duty service members for
25 American Samoa to do the same.

1 **SEC. 2. PLURALITY OF VOTES REQUIRED FOR ELECTION**
 2 **OF DELEGATE.**

3 Section 2 of the Act entitled “An Act to provide that
 4 the Territory of American Samoa be represented by a non-
 5 voting Delegate to the United States House of Represent-
 6 atives, and for other purposes”, approved October 31,
 7 1978 (48 U.S.C. 1732; Public Law 95–556) is amended—

8 (1) in subsection (a)—

9 (A) by striking “majority” and inserting
 10 “plurality” the first place it appears; and

11 (B) by striking “If no candidate” and all
 12 that follows through “office of Delegate.”; and

13 (2) by adding at the end the following new sub-
 14 section:

15 “(c) EFFECT OF ESTABLISHMENT OF PRIMARY
 16 ELECTIONS.—Notwithstanding subsection (a), if the legis-
 17 lature of American Samoa provides for primary elections
 18 for the election of the Delegate, the legislature may pro-
 19 vide that the Delegate shall be elected by a majority of
 20 the votes cast in any general election for the office of Dele-
 21 gate for which such primary elections were held.”.

22 **SEC. 3. EFFECTIVE DATE.**

23 The amendments made by this Act shall take effect
 24 on January 1, 2004.

○